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The employer's civil liability for work accidents under the teleworking regime

Employer Civil Liability for Occupational Accidents in the Telework Regime

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SUMMARY

The advancement of digital technologies and the intensification of teleworking have brought gains in flexibility and productivity, but they have also shifted the epicenter of occupational risks to domestic environments and private infrastructures, challenging the classic dogma of labor civil liability. This article examines employer liability for occupational accidents and illnesses under teleworking, focusing on the interplay between prevention duties (CLT, arts. 157 and 75-E), contractual allocation of resources (art. 75-D), time management and the right to rest, and the elements of liability (conduct, damage, and causal link). The research adopts a hypothetical-deductive method, with a bibliographic and documentary approach, and engages with constitutional, labor, civil, and social security legislation.

It is argued that the transfer of work to a remote environment does not relieve the employer of its duty to organize the work safely, instruct and monitor compliance with guidelines, or to bear the risks of the undertaking. It is further demonstrated that the causal link in remote work is constructed through digital evidence (logs, policies, and access records), which can justify a dynamic distribution of the burden of proof. The conclusion is that a specific prevention program for telework is necessary, supported by ergonomic assessments, communication protocols, contact limits, and minimum evidentiary documentation, as a condition for reducing litigation and preserving worker health.

Keywords: Telework. Civil liability. Work accident. Occupational health. Causal link.

ABSTRACT

The spread of digital technologies and remote work has improved flexibility and productivity while shifting occupational risks to private, home-based environments—challenging traditional tort and labor-liability frameworks. This article analyzes employer liability for work-related accidents and occupational diseases in telework, complying with prevention duties (Brazilian CLT arts. 157 and 75-E), contractual allocation of equipment and infrastructure (art. 75-D), time management and remainder, and the classic elements of liability (conduct, damage, causation). Using a hypothetical-deductive method with bibliographic and documentary research, the paper engages with constitutional, labor, civil, and social-security law. It argues that relocating work to the home does not release employers from organizing safe work, providing instructions, and monitoring compliance, nor from bearing entrepreneurial risk. It further shows that causation in remote settings is built from digital evidence (logs, policies, access records), which supports dynamic allocation of the burden of proof. The article concludes by proposing a telework-specific prevention program, grounded in ergonomic assessment, structured communication protocols, contact limits, and minimum evidentiary documentation, as a condition to reduce litigation and protect workers' health.

Keywords: Telework. Civil liability. Work accident. Occupational health. Causation.

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INTRODUCTION

The diffusion of information and communication technologies has shifted, in the last two decades, the center of gravity of labor relations from physical presence to presence legal-organizational. In Brazil, this movement was gradually incorporated into law positive: first, by recognizing the subordination exercised by telematic means and the equivalence between the work performed at the establishment, at the employee's home or at distance (Law 12,551/2011); then, by typifying teleworking and establishing specific duties regarding hiring, infrastructure and risk prevention (Law 13,467/2017, arts. 75-A to 75-F of the CLT); and, finally, by adjusting the regime to hybrid practices and the so-called “digital time”, without remove the limits on rest and working hours (Law 14,442/2022). In this scenario, the The question that arises—both theoretically and empirically—is how to structure the employer's civil liability for work-related accidents and illnesses when the service takes place outside the establishment and is mediated by technology. The relevance of problem arises from three reasons: the numerical expansion of teleworking and arrangements hybrids in the post-pandemic period, with epidemiological impacts on occupational health; transformation of risk, which ceases to be predominantly physical and localized and becomes diffuse and organizational (domestic ergonomics, hyperconnection, goals and monitoring); and the reconfiguration of the test, now mostly digital, with direct consequences for the recognition of the causal link and to quantify the damage.

The research adopts a deductive approach, with a qualitative method and is based on analysis normative and bibliographical. At the normative level, the Federal Constitution is examined (especially the rights to health and safety at work and the duty to compensate in the event of fraud or fault), the Consolidation of Labor Laws (arts. 2, 154, 157 and 75-A to 75-F) and the Civil Code (arts. 186, 187, 927 and 950), in addition to international parameters for the protection of remote work. In the bibliographical plan, labor and civil doctrine is mobilized contemporary and occupational health studies that illuminate ergonomic risks and psychosocial aspects remotely. The empirical focus is on employment relationships governed by the CLT (Consolidation of Labor Laws) in teleworking or hybrid regime; tax, consumer or data protection beyond what is necessary to understand the organizational duties of prevention. The general objective is to demonstrate that, in teleworking, the employer is responsible predominantly organizational feature — linked to work design choices — and that preventive compliance projects directly onto the causal link and the extent of reparation. As specific objectives, the normative evolution that legitimizes the

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remote subordination and sets the contractual and preventive pillars; the risks to remote health and its legal governance; and the elements of responsibility are systematized civil laws applied to teleworking, with an emphasis on digital evidence and compensation guidelines. The contribution lies in offering an integrated matrix of prevention and accountability — infrastructure and funding, instruction and supervision, and time management/disconnection — which, simultaneously, it guides good management and provides operational criteria to the judge.

1. HISTORICAL AND LEGAL EVOLUTION OF TELEWORKING IN BRAZIL

The legal consolidation of teleworking in Brazil is the result of a progressive process of shifting the focus from physical presence to legal presence. The first normative shift relevant occurred with Law No. 12,551/2011, which amended art. 6 of the CLT to equate the work performed at the establishment, at the employee's home or remotely, provided that present the assumptions of the employment relationship, and to recognize telematic subordination as equivalent to face-to-face. (BRAZIL, 1943). The dogmatic message is clear: the subordination, a structural element of the bond, does not depend on the same physical space, but on means of command, control and supervision legally capable of binding the worker to productive organization.

In conceptual terms, the key to this shift is telematics itself, understood as the combined use of computer and telecommunications to manipulate and transmit information that enables the control and management of remote work. Technology, therefore, ceases to be a mere accessory and becomes part of the organizational core of remote work provision.

The Labor Reform (Law No. 13,467/2017) took the second step by making the telework in articles 75-A to 75-F of the CLT, defining it as the predominant provision of services outside the employer's premises using information technologies and communication, as long as it is not external work. This definition positions the telework as a subspecies of remote work and distinguishes it from similar figures. Although all telework is remote, not all remote work is telework: in telework, technology is intrinsic to the mode of organization and the regime of subordination; in work in "classical" household, there can be production without continuous technological intermediation; and in the external work, there is a practical incompatibility of fine time control (MARTINS, 2023, p. 505). Recent labor doctrine also differentiates home office (exclusive work in home) and teleworking (work predominantly outside the headquarters, but with occasional attendances), reserving the organizational feature linked to ICTs for teleworking.

Law No. 14,442/2022 refined the regime by expressly accepting the hybrid model, state that attendance, even if habitual, does not characterize teleworking (art. 75-B, §1); by allowing measurement by journey, production or task (art. 75-B, §2); by extending the regime for interns and apprentices (art. 75-B, §6º); and when dealing with the time of use of equipment outside the working day, which does not, in itself, constitute time at disposal, unless individually agreed or collective (art. 75-B, §5). This last point is in line with the case law on on-call and with the emerging right to disconnect, as will be examined below, and requires employers define contact windows and exception protocols to avoid hyperconnection.

Despite innovations, the classic elements of the employment relationship remain as qualification criteria: personal nature, which prohibits the intermittent replacement of the provider; non-eventuality, associated with the permanence of the service, even for a fixed period (DELGADO, 2008, p. 273); onerousness; and subordination. This, in its dimension integrative, assumes that the worker's activity is incorporated into the productive cycle of others, without that the provider has its own business organization or assumes the business risks, whose fruits belong to the company. Such concepts are not weakened in the remote environment; On the contrary, they gain new expressions through systems, platforms and information flows that allow remote control and supervision.

In this scenario, three normative pillars structure teleworking compliance in preventive and probationary plan. The first is the requirement of express agreement on the modality in the individual contract, with the possibility of transition between regimes by agreement (teleworking - in-person) and, in the case of returning to in-person work by order of the employer, with a deadline minimum transition and additive (art. 75-C). The second refers to the contractual allocation of equipment and infrastructure and expense reimbursements, provisions that must be harmonized with art. 2 of the CLT (risks of economic activity borne by the employer) to avoid the undue transfer of costs to the employee (BRASIL, 2017; CASSAR, 2015; NETO; CAVALCANTE, 2019, p. 1187). The third pillar is the duty of express and overt information on the prevention of diseases and accidents (art. 75-E), with a record of the knowledge of employee, without this exempting the company from the duty of supervision compatible with the inviolability of the home. In practical terms, this recommends instruments such as checklists ergonomics, periodic guidance, training records and response procedures to complaints about load and ergonomics, providing evidence of compliance with the duty of security (BRAZIL, 1943, arts. 154 and 157 of the CLT).

Internal evolution dialogues with international parameters. Although Brazil does not have ratified ILO Convention No. 177, its principles — and the details of the Recommendation

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No. 184 — promote equal treatment between remote and in-person workers, including OSH, remuneration and security, and, expressly, daily and weekly rest periods, holidays, vacations and paid sick leave (ILO, 1996a; 1996b, items 23–24). These milestones reinforce the systematic reading that the migration from physical to digital space does not authorize the erosion of the minimum level of civilization that involves working hours, rest periods and environment insurance (BRAZIL, 1988, art. 7, items XIII, XV and XXII of the CF/88).

The COVID-19 pandemic has accelerated the spread of teleworking, revealing benefits (flexibility, operational continuity) and, simultaneously, organizational risks linked to hyperconnection, expansion of journeys and mental illness, already mapped by statistics Brazilian officials and European occupational health studies (IBGE, 2022; EU-OSHA, 2024). The 2022 regulatory response to consolidating the hybrid and addressing digital time signals a second generation of teleworking: it is not enough to recognize remote subordination; it is I need to govern its effects on time, space and health, with internal policies, windows of contact, availability rules and documentation.

In summary, Brazilian evolution followed three layers: (i) recognition (2011): telematic subordination and equivalence between spaces; (ii) typification and regime (2017): concept legal, contract, infrastructure, duty of instruction; (iii) fine adaptation (2022): hybrid, measurement modalities, digital time and extension to internships and learning. The common thread, however, it remains the same: continuity of labor protection — subordination, risks of business (art. 2, CLT), health and safety (arts. 154, 157, 75-E) — in a new technical arrangement-organizational that displaces the work environment, but not the legal duty of protection.

2. TELEWORKING AND WORKER HEALTH

Health at work is a fundamental right (CF/88, art. 7, XXII) and projects, in the plan infraconstitutional, the hard core of human dignity and the social value of work. This means that policies, contracts and business practices must ensure “conditions minimum existential requirements for a healthy life”, which includes a work environment – physical or remote – that does not cause illness (SARLET, 2013, p. 126 MAGALHÃES; MOREIRA, 2012, p. 175). In teleworking, however, the risk design changes: the danger is no longer concentrated in the factory, on the production line or in the office and is sprayed into homes and spaces private, mediated by technology, goals and permanent connectivity.

In this context, ergonomic risk is reconfigured. The improvised chair, the table inadequate lighting, poor lighting and the absence of scheduled breaks make the home

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in a possible focus of RSI/WMSDs and low back pain. At the same time, psychosocial risks emerge with force: intensification of work towards goals, expectation of immediate response in multiple channels and intrusive monitoring (so-called teleharassment) increase cognitive load and stress, fueling anxiety, depression, and burnout. International research recent reports corroborate this diagnosis: overload, lack of time to do the work and habit of "bringing demand into free time" are among the main predictors of mental illness in the post-pandemic period (EU-OSHA, 2024). In Brazil, 288,865 disability benefits for mental disorders in 2023, up 38% from 2022, which reinforces the urgency of active management of these risks in teleworking (BRAZIL. Ministry of Social Security, 2023). Ergonomics and technology are intertwined. If subordination can be exercised by telematic means (Law 12,551/2011) and telematics itself – "combined use of computer and telecommunications" – is the backbone of remote work (Martins, 2023, p. 109), then work control can also (and should) serve as protection: recording breaks, modulate goals, calibrate availability. From a legal point of view, this does not shift the center of responsibility. The risk of the enterprise – and, consequently, the costs of preventing it – remain with the employer (CLT, art. 2). It is in this sense that art. 75-D of the CLT: the contractual allocation of equipment and infrastructure does not authorize the transfer to the worker, the underprivileged party, the structural burden of security; on the contrary, it harmonizes with the rule that the risks of the work performed are business-related.

Prevention, therefore, needs to move beyond the rhetorical plane and into the everyday lives of remote people. as an organizational routine, not as an occasional checklist. There are at least three fronts inseparable:

1. Adequate infrastructure and funding. The company must provide (directly) or via reimbursement) furniture, peripherals and solutions that meet the standards of ergonomics, in addition to guiding assembly and use. This is not included in salary (CLT, art. 75-D, single par.), because it is instrumental in the service. What matters, in addition to the contractual clause, is ergonomic effectiveness: location, lighting, temperature, cables and electrical network are important to prevent accidents and illnesses (JUCÁ, 2018, p. 64).
2. Effective instruction and supervision. The duty to instruct is legal (CLT, art. 75-E), but it is not limited to the delivery of a "term of responsibility". It is up to the employer monitor compliance with guidelines and the use of PPE/adjustments ergonomic, with the support of its directive power (jus variandi), even if by means remote (OLIVEIRA, 2017, p. 31). This translates into periodic programs of

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synchronous guidance, consented technical visits, photographic checklists, tutorials and individualized adjustments.

3. Time management and the right to disconnect. Constant availability is not is synonymous with productivity – it is a risk factor. International guidelines state that deadlines and work organization cannot suppress daily and weekly breaks equivalent to those of other wage earners (ILO Recommendation No. 184, item 23). In the plan domestic, the understanding that working hours and rest are everyone's rights workers are echoed in technical positions that deem the unconstitutional application of art. 62 of the CLT when, in practice, it eliminates rest and working hours limitations (ANAMATRA, 2023, Statement 17). Even when remote work is organized by production/task, communication window policies, quiet hours and goals realistic are occupational health measures, not mere courtesy.

These three fronts are fueled by evidence and data. The widespread adoption of teleworking in the country – millions of people in 2022, with a predominance of profiles with higher education levels (IBGE, 2022) – means that organizational design decisions have an impact epidemiological. They are also legally supported: if there is damage and a connection with work, the civil liability tends to fall on those who hold organizational power, especially when the company does not demonstrate that it has implemented proportionate and traceable measures of prevention. In other words, organizational negligence in infrastructure, instruction/supervision and time management creates the efficient cause of the damage and constitutes the ballast evidence of guilt (or, depending on the case and the activity, risk) in determining liability.

Therefore, good practices are important—and they need to be kept on paper. Remote work plans should describe tasks, goals, and measurement criteria without encouraging overload; checklists ergonomics must be auditable; breaks and micro-breaks must be programmed into tools; goals must consider variations in domestic context; and leaders must be trained not to confuse connectivity with permanent availability. The result is a virtuous cycle: reduction of absences, improvement in well-being and, legally, pre-trial proof consisting of employer diligence. In a regime in which subordination is mediated by technology, using the same technology to prevent is, at the same time, a legal duty and a strategy intelligent risk management.

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3. CIVIL LIABILITY OF THE EMPLOYER UNDER THE REGIME OF TELEWORKING

The Constitution guarantees workers insurance against accidents and, without excluding, compensation when the employer incurs fraud or fault (CF/88, art. 7, XXVIII). In the plan infraconstitutional, the structure of civil liability is based on articles 186 and 187 of the Code Civil (wrongful act by action or omission) and culminates in art. 927, which imposes the duty to repair the damage; in specific cases, objective liability is even permitted when the activity, by its nature, implies a risk to the rights of others (art. 927, sole paragraph). In labor matters, this matrix is combined with specific duties of the employer provided for in the CLT: comply with and enforce safety standards (art. 157), instruct in a manner express and ostensive about prevention (art. 75-E), and assume the risks of the enterprise (art. 2nd), including remote infrastructure (art. 75-D).

3.1 LEGAL SUBSTRATE AND FORM OF REMOTE GUILT

In teleworking, responsibility predominantly follows the subjective model (proof of guilt), but the guilt tends to be organizational: it stems from how the company designs, communicates, supervises, and controls work remotely. Civilian literature systematizes the elements: conduct (commission/omission), damage, causal link and fault. This fault emerges with clarity when there are systemic and not merely episodic failures. Four vectors are recurrent:

1. Deficient structure (errors in the provision or reimbursement of furniture, peripherals and ergonomic conditions; lack of evaluation of the position). The infrastructure of the workplace, including lighting, ventilation and electrical network, is a risk factor for accidents/ illnesses when not in compliance with standards (JUCÁ, 2018, p. 64). The clause of art. 75-D does not authorize the transfer of the structural burden to the employee; it must be read in light of art. 2 of the CLT (DELGADO, 2017, p. 463).
2. Insufficient instruction and ineffective supervision (training merely formal; lack of verification of compliance). The delivery of a term does not exonerate the duty to supervise; this is an obligation supported by the directive power (jus variandi) (OLIVEIRA, 2017, p. 31).
3. Poor time management (incompatible goals, windows of unlimited communication, absence of “silence” policies and breaks). Guidelines

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international rules determine that deadlines cannot suppress daily and weekly rest periods comparable to those of other wage earners (ILO Recommendation No. 184, item 23). In Brazil, the understanding that working hours and rest periods apply to everyone is reiterated in technical positions (ANAMATRA, 2023, Statement 17).

4. Abusive monitoring/teleharassment (continued pressure, messages outside of time, simultaneous and contradictory charges). Intensification by goals and excessive monitoring by telematic means triggers mental illness and physicists (Nunes, 2016, p. 198).

When these vectors combine and the company does not demonstrate proportional prevention and traceable, the evidentiary basis of guilt is consolidated.

3.2. CAUSAL LINK IN THE REMOTE: WHAT IT IS (AND WHAT IT IS NOT) OCCUPATIONAL ACCIDENT/ILLNESS

Law 8,213/1991 defines an occupational accident as a work-related event that causes death, injury or reduction of capacity (art. 19) and lists occupational and occupational diseases work (art. 20), in addition to hypotheses of equivalence (art. 21). In teleworking, the location domestic of the event does not decide the controversy; what matters is the causal link with the activity subordinate and its organization.

Two practical criteria help the judge:

- Ergonomic and technological relevance: injuries caused by inadequate furniture, improper layout, typing overload, and maintained postures tend to qualify as an occupational disease when mapped by the employer and not mitigated.
- Psychosocial relevance: anxiety, depression and burnout associated with incompatible goals and intrusive control are related to the work organization.

In contrast, domestic events unrelated to the service – e.g., “plumbing repair”, “taking care of the garden” – are not related to the contract and, therefore, do not constitute an accident of the work. The concausa (art. 21, I, of Law 8.213/1991) also deserves attention: even if the work is not the sole cause, if it directly contributes to the harmful result or to the need for treatment, there is legal equivalence.

3.3. COMPENSABILITY OF DAMAGE AND ITS QUANTIFICATION

Damage is an “essential and indispensable element” (STOCO, 2007, p. 128). It can be patrimonial (medical expenses, loss of earnings) and/or extra-patrimonial (pain, shock, project of life). In cases of reduced capacity, art. 950 of the Civil Code provides for a proportional pension, in addition to expenses and lost profits “until the end of convalescence”. The determination requires prudence and joint evidence: “it will be up to the judge to weigh the evidence” and establish the link and the reparable extent (STOCO, 2007, p. 152).

Good procedural practices include: clinical history; login/logout records; metrics productivity; orders and goals; internal policies; ergonomic checklists; evidence of training; IT reports and communications. The absence of these elements often reverses to the detriment of the employer, by evidencing organizational deficiency. In short: in the teleworking, those who organize poorly respond. The company that designs, implements, instructs and seriously monitors and breaks the causal chain; which delegates to the worker the structural burden of position and time rebuilds against itself the very link that will lead to condemnation.

3.4. BURDEN OF PROOF, EVIDENCE DYNAMICS AND DIGITAL MEDIA

In labor proceedings, the main rule of the burden of proof is the same as in civil proceedings: It is up to the plaintiff to prove the constitutive fact and the defendant to prove the impeding, modifying or extinguishing the author's right (CLT, art. 818, caput; CPC, art. 373, I and II).

The legislation itself allows for dynamic distribution of the burden when, due to peculiarities of the case, it is excessively difficult for one of the parties to produce certain evidence and, at the same time, time, notoriously easier for the other (CPC, art. 373, §1º). This resizing has special adherence to teleworking, in which the main traces are digital (access logs, corporate systems telemetry, VPN logs, email audit trails and corporate messaging). In this configuration, it is reasonable to impose on the employer — who manages the infrastructure — the duty to display relevant electronic documents (CPC, arts. 396 to 404). Unjustified refusal to exhibit may authorize the judge to presume the true facts that were intended to be proven with the document (CPC, art. 400).

When there is plausibility of controlling the working day (even in remote regime), labor jurisprudence has applied by analogy the logic of Summary 338 from the TST: the absence of controls that the company was obliged to maintain may generate presumption favorable to the worker regarding the alleged working hours, subject to proof to the contrary. Although the summary

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deal with time cards in face-to-face work, its rational core — "who has the duty to document, bears the risk due to the absence of the document" — is transferable to teleworking when there are technical means of measurement.

Operational points: (i) preserve and present metadata (timestamps, IP, user); (ii) clear internal login/logout registration policies; (iii) periodic reporting of accesses and interactions (tickets, commits, submissions); (iv) tool audit trails collaborative. The lack of these elements, when they should exist, works against the company because force of the burden distribution rules and the documentary display rules already mentioned (CLT, art. 818; CPC, arts. 373, §1, 396–400).

3.5. EXCLUSIONS AND MITIGATING AGENTS

The classic exclusions — exclusive fault of the victim, third party act, case fortuitous event/force majeure — remain applicable to teleworking. However, as they are exceptions, require robust and consistent demonstration with the available digital evidence (CPC, art. 373, II). The concurrent fault of the employee may mitigate the value of the compensation (CC, art. 945), but not exonerates the employer when there are failures in organization, instruction or supervision (CF/88, art. 7, XXII; CC, arts. 186 and 927).

In the remote, defensive claims of sole fault tend to fail when the company: (a) did not specify minimum ergonomic requirements; (b) did not instruct and supervise the adequate use of infrastructure; (c) did not have reasonable time management mechanisms and contact limits. On the other hand, when the employee fails to follow clear guidelines, previously communicated and auditable (recorded knowledge; signed checklists; delivery logs of PPE/infra), concurrent fault may be recognized for the purposes of proportional reduction (CC, art. 945).

Finally, on-call situations in teleworking must follow TST Summary 428: the mere provision of telematic instruments does not constitute on-call service; it is necessary that the employee remains subject to control, on duty or equivalent basis, with concrete restriction of their freedom of movement. The characterization (or not) impacts both the computation of time as the debate on existential damage resulting from the suppression of rest.

4. JURISPRUDENCE APPLIED TO TELEWORKING

Brazilian labor jurisprudence has been adjusting, with relative speed, institutes classics of working hours and civil liability to the specificities of mediated labor by technology. The common thread of these precedents is clear: the spatial migration of labor to the home or to remote environments does not reduce the level of legal protection, nor does it exempt the employer to organize, instruct and supervise the provision of services in order to preserve limits of time, rest and health.

Regarding the on-call regime and protection against hyperconnectivity, the Court Superior Labor consolidated parameters that directly dialogue with the reality of teleworking. In AIRR-1000749-07.2016.5.02.0471, the 3rd Panel upheld the conviction of payment of on-call hours when recognizing that the employee, outside of regular working hours, remained on alert, awaiting orders by telematic means (telephone/Nextel) or even eventual in-person summons, a condition that restricted their freedom of movement and converted the period into time at disposal. The judgment expressly aligned itself with item II of the Summary 428 of the TST, according to which the simple provision of telematic instruments does not characterizes on-call, but there is on-call when, remotely and under the employer's control, the employee awaits a call for service at any time (TST, AIRR-1000749-07.2016.5.02.0471, publ. 01/04/2019; TST, Summary 428). The normative core of these judgments is the right to disconnect: the permanent expectation of availability, imposed by organization of work, violates rest and imposes corresponding remuneration or, in hypotheses of damage, civil compensation.

This reparatory dimension was deepened by regional jurisprudence. The TRT of the 3rd Region, when judging PJe 0010285-79.2021.5.03.0043, recognized non-pecuniary damage due to violation of the right to disconnect, placing it within the scope of the assets protected by arts. 223-B and 223-C of the CLT and linking it to the constitutional principles of health, leisure and dignity of the human person. The Court explained that, when the employer's conduct makes rest impossible and coexistence, liability is imposed based on articles 186 and 927 of the Civil Code (TRT-3, PJe 0010285-79.2021.5.03.0043, DEJT 04/07/2022). The message is pedagogical: it is not enough avoid formal extrapolation of the working day; it is essential that the company governs digital time (communication windows, exception protocols, compatible goals) under penalty of having recognized, in addition to overtime, the violation of personality rights.

Another relevant jurisprudential vector is the one that reaffirms the universality of the duty to safety “in all workplaces”. In a precedent from the 4th Panel of the TRT of São Paulo,

involving external work with part of the activities at home, it was established that art. 6 of the CLT removes any distinction between work in the establishment and at home; in turn, the Article 154 of the CLT projects the Chapter on Occupational Health and Safety for all locations of provision, and art. 157 requires the employer to comply with and enforce health and safety. In the event of a lack of guidance and support, if illness occurs, it is necessary to compensation (TRT/SP – 01215200702102002 – RO – Ac. 4th T 20100403071 – Rel. Ricardo Artur Costa and Trigueiros – DOE 21/05/2010). This understanding is especially important for the design of telework, as it delimits the scope of art. 75-E of the CLT: the delivery of instructions and terms of responsibility is necessary, but not sufficient; the duty to monitor, by means compatible with the inviolability of the home, whether the conditions ergonomic and the guidelines are being effectively followed.

Taken together, these precedents produce three practical consequences for the employer's civil liability in remote work. First, they reinforce the centrality of duty to organize time: control and measurement by results do not authorize dilution of rest periods. If the business design assumes permanent availability or on-call informal captured by applications, jurisprudence tends to convert this time into paid on-call (TST, Summary 428; TST, AIRR-1000749-07.2016.5.02.0471). Second, they consolidate the protection of personality as an autonomous reparatory axis: the violation of right to disconnect, even when not fully translated into computable hours, may give rise to non-pecuniary damages when aggression to health, leisure and coexistence is demonstrated (TRT-3, PJe 0010285-79.2021.5.03.0043). Third, they reaffirm the objective scope of the duty to safety: the company is responsible for not structuring, instructing and monitoring ergonomics and conditions of the remote post, even if installed at the worker's home (TRT/SP, 4th Class, 01215200702102002).

These decision lines also provide evidentiary guidelines. The recognition of warning and violation of the right to disconnect has been built on a digital basis: records of out-of-hours messages, summons, access logs, tickets, metrics service, in addition to internal policies that, due to their absence or ambiguity, reveal tolerance to hyperconnectivity. Similarly, responsibility for physical illness or psychic associated with teleworking is often based on evidence of ergonomic design inadequate, lack of job evaluation, merely formal training or absence of minimal supervision, even if by non-intrusive means (checklists, technical visits consented, photographic records). Conversely, when the company demonstrates policies clear contact windows, exception protocols, realistic goals, periodic training and

ergonomics audits, case law has recognized the rupture of the causal link or, at the least, the mitigation of the duty to compensate.

Finally, the consistency of these judgments with the current regulatory regime is clear. The Article 6 of the CLT equates execution spaces; Articles 154 and 157 project security duties for all locations; art. 75-E established the duty of express and ostensive instruction; and art. 2 reaffirms that the risks of the enterprise belong to the employer. By applying such commands to new forms of work, jurisprudence has preserved the constitutional civilizing level (CF/88, art. 7, items XIII, XV and XXII), ensuring that the intensive use of technology — condition of possibility of teleworking — does not become a vector of erosion of rights fundamental. In short, the courts have been saying, with different vocabulary, the same thing: telework is not a lawless land; it is subordinate work mediated by technology, and whoever decides how it happens — the employer — is responsible for the legal, temporal and sanitary of the organizational choices it makes.

FINAL CONSIDERATIONS

This study demonstrated that the migration of work to remote environments does not change the core of the employer's legal duties: the obligation to provide safe working environment, instruct and monitor compliance with health and safety standards security and assume the risks of the enterprise. The main finding is that, in teleworking, the employer's civil liability manifests itself mainly as fault organizational, that is, derived from work design choices (infrastructure, instruction/supervision and time governance). When these pillars fail — due to a lack of adequate furniture and peripherals, merely formal training, invasive monitoring or policies that encourage hyperconnection — the efficient cause of the damage is formed and consolidated the causal link. On the other hand, robust and auditable prevention programs, in harmony with articles 2, 75-D, 75-E, 154 and 157 of the CLT and with the constitutional guidelines, tend to reduce incidents and, if they occur, provide evidentiary support to dispel blame.

The second contribution is evidentiary: remotely, almost all evidence is digital. Login/logout logs, productivity metrics, training trails, checklists ergonomics and contact window policies operate simultaneously as prevention and as evidence. The absence of this collection, as a rule, weakens the employer's defense and increases the chance of conviction. The third discovery lies in the causal distinction: the fact that the event occurs “in home” is irrelevant without relation to the organization of work; what decides is the relevance

ergonomic and psychosocial aspects of injury to the business arrangement. Therefore, time management and the right to disconnect ceases to be a mere courtesy and becomes part of occupational health.

The practical implications are straightforward. For companies: design teleworking based on on three axes — funded and adequate infrastructure, instruction with effective supervision and clear availability policies — reduces legal risk and improves health and productivity. To legal operators: recognize the centrality of organizational guilt and digital evidence, calibrating the dynamic distribution of the burden of proof when evidence is in custody employer. For policy formulation: consolidate minimum ergonomics parameters domestic and contact windows, preventing “digital time” from eroding working hours and rest.

As a future research agenda, the following are suggested: i) empirical studies with series historical data that quantify the impact of disconnection policies and domestic ergonomics on dismissals and disputes; ii) econometric analyses that relate maturity of teleworking programs to productivity and accident indicators; iii) investigations on objective criteria for assessing moral damages in psychosocial illness linked to hyperconnection; iv) comparative evaluation of foreign “right to disconnect” regimes and their transplantability to the Brazilian context; and v) development of technical metrics and standards for auditing remote locations that preserve the inviolability of the home. In short, the technology that enables remote subordination must also support prevention and proof: When this occurs, teleworking tends to be legally secure and socially sustainable.

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